

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JULIE CARPER,

Plaintiff,

V.

**COLDWELL BANKER TOWN &
COUNTRY REALTY OF KEARNEY,
LLC, a limited liability company, et
al.,**

Defendants.

CASE NO. 4:09CV3232

MEMORANDUM AND ORDER

This matter is before the court on the Recommendation of Magistrate Judge F.A. Gossett recommending that all claims by the remaining Plaintiff, Julie Carper (“Carper”), against Defendants Wiebusch & Associates, Inc., Kearney Realty, LLC, Sobatka, Roper, Schumacher & Company, NP Realty, Inc. and Kerri Pearson be dismissed with prejudice. (Filing No. [153](#).) Judge Gossett recommends dismissal of the claims under [Federal Rule of Civil Procedure 37\(b\)\(2\)\(A\)\(v\)](#) and [NECivR 41.2](#) because Carper failed to provide any discovery to Defendants, and has failed to diligently prosecute this matter. (Filing No. [153](#).) No objections to the Recommendation have been filed. Under [28 U.S.C. § 636\(b\)\(1\)](#), the court has conducted a *de novo* review of the record and adopts the Recommendation.

Also pending before the court are Defendants' Coldwell Banker Town & Country Realty of Kearney's and Matthew Meister's Motions to Compel Initial Disclosures. (Filing Nos. [144](#) and [146](#).) These Motions are nearly identical to those addressed in the Recommendation set forth above. For the same reasons set forth by Magistrate Judge Gossett in his Recommendation, the Motions to Compel are granted and Carper's claims

against these two Defendants are also dismissed pursuant to [Federal Rule of Civil Procedure 37\(b\)\(2\)\(A\)\(v\)](#) and [NECivR 41.2](#).

IT IS THEREFORE ORDERED that:

1. The Recommendation of Magistrate Judge F.A. Gossett (Filing No. [153](#)) is adopted. Filing Nos. [138](#), [140](#), and [142](#) are granted;
2. Filing Nos. [144](#) and [146](#) are granted;
3. All claims brought by Plaintiff Carper against all Defendants are dismissed with prejudice;
4. Defendant Buffalo County Board of Realtors' Motion to Revise (Filing No. [156](#)) is denied; and
5. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 21st day of October, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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